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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,669	04/21/2006	Adelmo Giovannini	GIOVANNINI 3 PCT	5714
25889	7590	12/11/2007	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			NGUYEN, MAI T	
			ART UNIT	PAPER NUMBER
			3671	
			MAIL DATE	DELIVERY MODE
			12/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/576,669	GIOVANNINI, ADELMO
	Examiner	Art Unit
	Mai T. Nguyen	3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 26 September 2007.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-3 and 7-9 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 and 7-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 September 2007 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because in amended figure 2, reference character "27" has been used to designate both rake wheels on working arm 22 and a second arm connected to working arm 21, between "E5" and "E3"; reference character "35" has been used to designate both an actuation device between "31" and "32" and an area below "E1"; reference character "25" has been used to designate both raking wheels on working arm 21 and a second arm having ends E1 and E3; and reference character "E3" has been used to designate both an end of arm 28 and an end of arm 25 connected to arm 27; . Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the modules and Oldham couplings need to be described within the specification.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-3 and 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 1 and 7 are considered unclear because the arms of the invention are set forth using inconsistent terminology and unclear phrasing. For example, "a first working arm, which is also basically horizontal" is set forth in claim 1, lines 5-6; however, "said first horizontal arms" are further defined in lines 10-11. Are the working arm and the horizontal arm the same arm? If this is the same arm, does the arm indeed need to be horizontal, since the arm claimed in lines 5-6 is "basically horizontal" while the arm in lines 10-11 is horizontal? Is one working/horizontal arm or more than one working/horizontal arm being claimed?

6. As another example, which ends are being referred to in claim 1, lines 18-19. The pairs of second arms have a total of eight arms; are all eight ends

slidable? And are "the arms" in claim 1, line 22 referring to the working/horizontal arm(s) or the first pair of second arms or the second pair of second arms or all of the arms? Also, in claim 1, lines 26-27, what is meant by "in a position corresponding to one of its own ends" and in line 27, what is "the first one?"

7. More specifically, in claims 1 and 7, section (ii), lines 36-37, "the ends of the first arms that are close to the frame" is unclear. Which end is being referred to, since an arm has two ends? The end of the arm towards the towing end of the rake is close to the frame when the rake is retracted in the resting position.

8. Claims 1 and 7 recite the limitation "the distance" in lines 38 and 34, respectively. There is insufficient antecedent basis for this limitation in the claims.

#### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-3 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peeters (US 5,598,691) in view of Allen (US 4,932,197) and Moshi (US 6,865,868).

Regarding claims 1 and 7, Peeters discloses a V-shaped rake in figures 1, 3, 6 and 8 comprising a vertical frame formed by vertical uprights 100, 102

connected by cross-member 96 which is connected by joints 108, 110 to first arms 24, 26 carrying rakes 152, 172, wherein joints 108, 110 are capable of enabling vertical and horizontal movements of the arms 24, 26, the cross-member being connected to drawbar 22, which is connected by second arms 28, 30 to the first arms, the second arms being slidable along the drawbar so as to move the first arms from a resting position parallel to the drawbar and to a working position divericated with respect to the drawbar; the vertical uprights provided with a means of linear translation 344; and the drawbar carries means 88 for controlling movement of the first arms.

Peeters fails to disclose the rakes forming a Y-shape when in the working position and Oldham couplings. Allen teaches a similar rake 10 for raking hay that forms a Y-shape, as seen in figure 5. Moshi teaches using Oldham couplings for alignment coupling 120 to compensate for misalignment of two shafts, see column 7, paragraph 2. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the rake of Peeters with a Y-shape as taught by Allen and with Oldham couplings as taught by Moshi because it is well known in the hay rake art to have one rake arm extend further than another rake arm to ensure the area between the two arms is raked when the hay rake is extending in its working position thereby allowing for a wider span of raking for efficient hay raking and it is well known to use Oldham couplings to compensate for misaligning members thereby allowing quick and efficient connections.

Regarding claims 2, 3, 8 and 9, the combination of Peeters, Allen and Moshi discloses the rake wheels are capable of being arranged in front of each other so as to be superposed partially, see Allen figure 5.

***Response to Arguments***

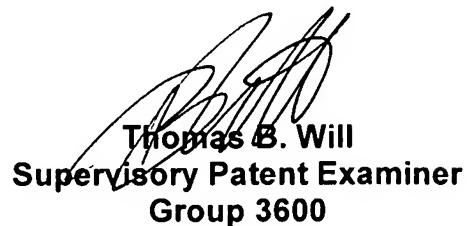
11. Applicant's arguments filed 9/26/07 have been fully considered but they are not persuasive.
12. Applicant argues that Peeters is silent concerning rake wheel overlap and Allen does not mention the possibility to fully overlap at least one of the rake wheels. However, claims 2 and 8 require the rake wheels of one arm simply be superposed on the rake wheels of the other arm to any degree. Allen teaches the rake wheels on the arms of the Y-shaped apparatus 10 can be adjusted to any of a plurality of infinite operative configurations using pivots 110, see column 23, lines 25-35, and Peeters teaches similarly pivoting the rake wheels on the arms about joints 108, 110. It can clearly be seen that the combination of Peeters and Allen would have the superposition of the rake wheels since the pivoting of the arms would eventually superpose the rake wheels of one arm over those of the other arm.
13. Applicant also argues the arms 24, 26 of Peeters do not translate. It can be seen between figures 2 and 3 that the ends 142, 162 of the arms do translate. Applicant further argues Peeters does not use Oldham joints to permit movement of the arms vertically and horizontally. The Oldham joints have been addressed above in section 10.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mai T. Nguyen whose telephone number is (571) 272-7662. The examiner can normally be reached on Monday-Friday 8:00a-5:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on (571) 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thomas B. Will  
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Mtn  
11/29/07